

***United States Court of Appeals
for the Second Circuit***



APPELLEE'S BRIEF

75-7404

UNITED STATES COURT OF APPEALS
For the Second Circuit

ARNOLD MARSH,EL,

Plaintiff-Appellant,

v.

AFW FABRIC CORP., CONCORD FABRICS INC.,
ALVIN WEINSTEIN and FRANK WEINSTEIN,

Defendants-Appellees.

BARRY L. SWIFT,

Plaintiff-Appellant,

v.

CONCORD FABRICS INC., AFW FABRIC CORP.,
ALVIN WEINSTEIN and FRANK WEINSTEIN,

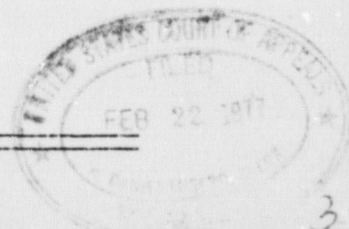
Defendants-Appellees.

On Remand From The Supreme Court Of The United
States To the United States Court of Appeals
For The Second Circuit

BRIEF OF DEFENDANT-APPELLEE
CONCORD FABRICS INC.

KAYE, SCHOLER, FIERMAN, HAYS
& HANDLER
Attorneys for Defendant-
Appellee Concord Fabrics Inc.
425 Park Avenue
New York, New York 10022
Tel. (212) 759-8400

Sidney J. Silberman
Milton Sherman
Of Counsel



UNITED STATES COURT OF APPEALS

For the Second Circuit

No. 75-7404

ARNOLD MARSHEL,

Plaintiff-Appellant,

v.

AFW FABRIC CORP., CONCORD FABRICS INC.,
ALVIN WEINSTEIN and FRANK WEINSTEIN,

Defendants-Appellees.

BARRY L. SWIFT,

Plaintiff-Appellant,

v.

CONCORD FABRICS INC., AFW FABRIC CORP.,
ALVIN WEINSTEIN and FRANK WEINSTEIN,

Defendants-Appellees.

On Remand from the Supreme Court of the
United States to the United States Court
of Appeals for the Second Circuit

BRIEF OF DEFENDANT-APPELLEE
CONCORD FABRICS INC.

Defendant-appellee Concord Fabrics Inc. adopts
in all respects the brief of defendants-appellees AFW Fabric
Corp., Alvin Weinstein and Frank Weinstein and joins in their
conclusion that this Court may not reinstate its decision

and judgment, dated February 13, 1976, which has been vacated by the United States Supreme Court.

Dated: New York, New York
February 22, 1977

Respectfully submitted,

KAYE, SCHOLER, FIERMAN, HAYS &
HANDLER
Attorneys for Defendant-
Appellee Concord Fabrics Inc.
425 Park Avenue
New York, New York 10022
Telephone: (212) 759-8400

Sidney J. Silberman
Milton Sherman
Of Counsel

COPY RECEIVED

JOHN EDWARD LEEVIN CONSENT & FRIEDMAN

84
DATE 2/22/77

TIME 3:20 PM

RECEIVED
D.H.

1977 FEB 22 PM 3:32

RECEIVED COUNTY CLERK
73-14-1 AVENUE
NEW YORK, N.Y. 10013

Copy
RECEIVED

FEB 22 1977

LIPPER LOU Y &

Jonathan K. Karp

3:45 PM

